IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

W.P.(C).No. 30647 of 2006(W)

PETITIONER:

VIJAYAKUMAR K.M.,AGED 53 YEARS,S/O.LATE MADHAVAN NAIR,RESIDING AT VELLANKAL(H),KARUNECHI KARA, UZHAVOOR VILLAGE,MEENACHIL TALUK,KOTTAYAM DISTRICT.,REP. BY HIS DULY CONSTITUTED POWER OF ATTORNEY HOLDER NIBU A.N.,AGED 33YEARS,S/O.K.M.NARAYANAN NAIR RESIDING.AT ANAVIRATTY KARA, VELLATHOOVAL VILLAGE,DEVIKULAM TALUK,ANAVIRATTY P.O PIN 685561.

BY ADV. SRI.THOMAS M.JACOB
SRI.G.RAJAGOPAL

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

2. THE DGP, LAW AND ORDER, POLICE HEAD QUARTERS, THIRUVANANTHAPURAM.

3. SUB INSPECTOR OF POLICE, DEVIKULAM POLICE STATION.

BY GOVERNMENT PLEADER SRI.S.U.NAZER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF CMP 2282/2004 FILED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE, DEVIKULAM.

EXT.P2: COPY OF FIR REGISTERED BY DEVIKULAM POLICE STATION IN CRIME NO.43/2004.

TRUE COPY

P.A.TO JUDGE

R.BASANT, J

W.P(C).No.30647 of 2006

Dated this the 19th day of February, 2007

JUDGMENT

The grievance of the petitioner is that no proper investigation is being conducted in Crime No.43 of 2004 of Devikulam police station. A statement was filed by the 3rd respondent. After perusing the said report, directions were issued on 18.12.06 to the Superintendent of Police, Idukki to personally supervise the investigation which is being conducted by the 3rd respondent. As directed by order dt.18.12.06, the Superintendent of Police, Idukki has now filed a statement dt.22.01.07, it is submitted. The learned counsel for the petitioner now submits that some action appears to have been taken by the Investigating Officer now and he does not want to make any further grievance at this stage. He only points out that according to the petitioner, one Venu, Station Writer in the police station is interested against the petitioner and apprehends that he may tamper with the records. The investigation is conducting by the Sub Inspector of Police under the supervision of Superintendent of Police and I have no reason to assume that such unjustified interference with the investigation by a subordinate official, Station Writer, will be permitted. I need only mention that the 3rd respondent and the Superintendent of Police, under whose supervision the investigation is

being conducted now, must take note of this apprehension expressed by the petitioner and scrupulously ensure that the apprehended impropriety does not take place.

2. No further or specific direction appears to be necessary now. This W.P(C) is, in these circumstances, dismissed, but with the observation that the petitioner shall be at liberty to approach this Court later, should a proper investigation not be conducted and completed hereafter. Investigation must be conducted as expeditiously and final report filed at any rate, within a period of 6 months from this date.

(R.BASANT, JUDGE)

rtr/-